

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JANUARY 20, 2010

PRESENT: Marshall, Cordeiro, Parella (arrived at 7:22 o'clock PM), Barboza, and Herreshoff

ALSO PRESENT: Diane C. Mederos, Town Administrator
Michael A. Ursillo, Esq., Town Solicitor
Marshall J. Netto, Town Sergeant

The Council met in regular session on Wednesday evening, January 20, 2010 in the Town Hall, Council Chambers, beginning at 7:06 o'clock PM, Council Chairman Marshall presiding:

Council Chairman Marshall noted the Council's "full agenda" for this evening and suggested that the participants should "hit the points" and "not be repetitive" when considering the evening's agenda items.

Council Chairman Marshall congratulated Massachusetts Senator-elect Scott Brown, calling his victory "democracy in action."

Council Chairman Marshall also noted that he was "proud of his colleagues" in government these being the various department heads and municipal employees. Council Chairman Marshall noted that the efforts of these persons is missing from editorials and also that these persons "get involved for the right reason" and that any mistakes made are "broad brushed;" ignoring the positive.

Council Chairman Marshall also explained that he and Councilman Herreshoff had returned from the State House after testifying at a House of Representatives hearing in favor of House Bill 7014 which stipulates "All ships over one hundred fifty feet (150') in length whose primary cargo is hazardous material shall have at least twenty-five feet (25') of clearance under all of Rhode Island's bridges."

Council Chairman Marshall also observed that Mount Hope Bridge is an "historic structure" and that large vessels passing in too-close proximity place this structure in jeopardy. Council Chairman Marshall also noted the presence of the Executive Director of Save the Bay, Jonathan Stone.

Councilman Herreshoff noted the "outstanding spirit" of the Massachusetts U. S. Senate election and noted that the government is usually not in a good position when politicians stray too far, either way, from a centrist position. Councilman Herreshoff also noted that the United States Constitution was "the best in the world."

Council Chairman Marshall re H1N1 Vaccination Clinics

Council Chairman Marshall announced the location of nearby H1N1 vaccination clinics and suggested that the Rhode Island Health Department list might be posted outside of Town Hall. He also suggested that the information should be made available on the Town's website.

Council Chairman Marshall noted "for the record" that there were many naysayers who complained that a new town library was not needed and the proposed library was excessively large. He further noted that the new building is well used and will support the community as a "focal point" well into the future. Council Chairman Marshall also explained that the library building conforms to accepted State standards.

Council Chairman Marshall expressed concern that the same naysayers are now focusing upon the Fire, Rescue and Fire Department Headquarters station under construction. He noted that the building is being too-narrowly considered by the objectors as simply a "fire station" and rather that the building will accommodate many purposes including that of an emergency response center. Council Chairman Marshall further explained that the Town shares mutual aid compacts with the neighboring towns.

Council Chairman Marshall also observed that the Town has planned and constructed these new facilities while maintaining a level tax rate and that other Rhode Island communities have not maintained their tax rate and financial well-being. Council Chairman Marshall also observed that Bristol was a "bright spot" in Rhode Island.

Councilwoman Parella arrived at this point in the meeting (7:22 o'clock PM).

Referring to the upcoming influenza vaccination clinics, Councilman Barboza announced that these clinics are "free and safe." He also noted that the vaccine is available at these clinics only for those persons who are 18 years old or older.

*Save Bristol Harbor re LNG Presentation

Council Chairman Marshall introduced Joe Arruda, President of Save Bristol Harbor who provided a twenty-minute illustrated presentation concerning the transportation of LNG in Narragansett Bay.

After the presentation, Council Chairman Marshall reported that the Town has reached out to the White House and that he hoped that a top government official would at least arrange for a flyover of the area in order to see first-hand the perils of large tank ships entering Mount Hope Bay.

Mr. Stone thanked the Council for considering support of Save the Bay in its opposition to the LNG plan and noted the Town's leadership position concerning same, past and present. He further explained that the plan "defies common sense" since the Society of International Gas Tanker and Terminal Operators, Ltd (SIGTTO) provides basic ground rules for LNG transportation as follows:

1. Don't locate terminals in areas with conflicting public uses.
2. Don't locate terminals adjacent to heavily populated areas.
3. Don't locate terminal routes within long and winding waterways.

Mr. Stone noted that the plan for the Weavers Cove/Hess terminal conflicts with all of these basic ground rules.

Mr. Stone also expressed concern that the Hess company's income for last year was \$5 billion and that the best way to object to the terminal plan was to directly impact the company's bottom-line.

He also noted that the Save the Bay plan is to approach the matter from several different perspectives including legislative, regulatory, environmental, and legal. He explained that although FERC controls the location of terminals with immunity from state control, the states have authority over water-quality issues. He also explained that the loss of wildlife habitat is of concern and also the scenic Taunton River is also controlled by other government entities; these not exempt from FERC action.

Mr. Stone noted two (2) upcoming public hearings; one likely to be in Fall River and the other likely to be held in Bristol (time and place yet unknown) and encouraged public participation and attendance at these hearings.

Council Chairman Marshall suggested that the Council might consider the remaining agenda items concerning LNG at this time.

Barboza/Cordeiro - Voted unanimously to suspend the regular order of business and bring forward agenda items B2, B3 and B4 for discussion at this time.

The action on these agenda items are reflected below.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Parella/Herreshoff - Voted
unanimously to approve the Consent
Agenda withholding agenda item R28
for further discussion.

Prior to the vote taken, Councilman Barboza asked that item R28 might be withheld from the Consent Agenda.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Meeting - January 6, 2010

Cordeiro/Herreshoff - Voted
unanimously to approve these
minutes as prepared and presented.

(CA) AA. SUBMISSION OF MINUTES-Boards and Commissions

**Approval of consent agenda="Motion to receive and place
these items on file."**

1. Planning Board - October 20, 2009
2. Planning Board - November 10, 2009
3. Zoning Board of Review - July 6, 2009
4. Historic District Commission - December 3,
2009
5. Zoning Board of Review - December 7, 2009
6. Harbor Commission - January 4, 2010
7. Charter Review Commission - November 17, 2009
8. Charter Review Commission - December 8, 2009
9. Bristol County Water Authority/Board of
Directors - December 9, 2009

10. Bristol County Water Authority/Audit Finance Committee - January 6, 2010
11. Bristol County Water Authority/Engineering Committee - January 6, 2010
12. Bristol County Water Authority/Public Relations/Personnel Committee - January 6, 2010
13. Noise Study Committee - December 1, 2009

B. OLD BUSINESS

1. Robert E. Lafleur, Chairperson, North Smithfield School Committee re resolution in opposition to all binding arbitration legislation for teacher contracts, **continued from November 11, 2009**

Herreshoff/Barboza - Voted unanimously to "go on the record" in opposition to any form of binding arbitration for teacher contracts.

2. LNG proposal in Mount Hope Bay Funding Opposition Campaign (Save the Bay), **continued from January 6, 2010**

Barboza/Parella - Voted unanimously to appropriate \$10,000 to Save the Bay from the Town Treasury in support of that organization's opposition to the Hess LNG proposal and to appropriate as part of the 2010-2011 Budget process an additional \$15,000 to match "challenge" contributions provided by others.

Prior to the vote taken, Council Chairman Marshall stated that the Council is "poised to provide funds" in support of LNG opposition. He noted that the Council previously provided \$25,000 for legal fees and that those funds were subsequently returned. He further noted that the Town's previous appropriation might be again appropriated.

Councilman Herreshoff stated that he was "very admiring" of Save the Bay and that the organization's accomplishments to-

date have been "monumental." He further noted that the threats posed by the LNG plan might reverse those accomplishments. He suggested that the Town may appropriate as a "first step" \$10,000 that would be matched by citizens.

Council Chairman Marshall suggested that the Rhode Island Foundation might be approached to aid Save the Bay with its finances with Mr. Stone responding that Save the Bay had not yet contacted the Rhode Island Foundation but explained that Save the Bay was in receipt of restricted gifts earmarked for LNG opposition. He further explained that the organization has need for additional "significant resources."

Councilwoman Parella noted that a "challenge" program would require someone to manage same. She also expressed concern that the need to support this effort is immediate and that there may not be time to establish a challenge effort and complete same in short order.

A discussion ensued concerning the availability of the originally appropriated \$25,000 with Town Administrator Mederos recalling that the appropriation was made several years ago and was likely returned to the General Fund. Council Chairman Marshall reported that Town Treasurer Day informs him that \$25,000 can be made available.

Councilman Barboza suggested that the Council might seek contributions from its "partners in government" in order to match its contribution. He also recalled that the Council invited neighboring communities to lend their support the last time this matter was considered several years ago with financial support coming forward from one or two towns.

Mr. Arruda pledged that Save Bristol Harbor would contribute the first \$1000 to the match-challenge. He also stated that his organization would volunteer to manage the challenge program.

Mr. Stone noted that Rhode Island's U. S. Senators and Congressmen are on record in opposition to the project and that it is necessary to provide specific evidence to government officials. He further noted that his organization is working specifically with Senators Reed and Whitehouse and Rep. Kennedy and that Save the Bay "is in it for the long slog."

Councilwoman Parella stated that she was already aware that the Congressmen are opposed to the project but was unaware of anything specific that any of these persons were doing on

the Town's behalf. She also explained that the specific efforts of high ranking State officials are also unknown.

Council Chairman Marshall asked to know if Save the Bay was citing a potential environmental problem caused by Zebra Mussels with Mr. Stone noting that there are several environmental considerations these include the seal habitat on Spar Island, prop-wash effect upon shallow shellfish beds, impact upon the protected sturgeon indigenous to the Taunton River. He also noted that there are other environmental concerns.

Councilwoman Parella asked to know if the presentation would be available to other Town Councils with Mr. Arruda responding that the group plans to visit Warren soon. He also explained that the group plans to provide the presentation on CD.

After the vote taken, Council Chairman Marshall suggested that the group may wish to contact the Rhode Island League of Cities and Towns.

Councilman Herreshoff noted that the safety zone as illustrated in the presentation crosses a densely populated portion of Prudence Island and other populous areas.

3. Councilman Barboza re request for press release concerning opposition to LNG in Mount Hope Bay

Barboza/Cordeiro - Voted
unanimously to provide a letter of
support to Save Bristol Harbor to
accompany copies of their
presentation to the national news
media.

Prior to the vote taken, Councilman Barboza suggested the LNG problem was of national interest and that the Town and others should attempt to gain the attention of television news programs *20/20*, *60 Minutes*, etc.

Councilwoman Parella observed that the topic was discussed somewhat at the last meeting and that the parties might attempt to contact Rhode Island native Meredith Vieira or others in order to determine the correct "go-to" person at the networks.

Rep. Raymond E. Gallison, Jr. addressed the Council. He provided packets of information and stated that the Save Bristol Harbor presentation was effective.

Rep. Gallison also spoke about the previously noted Mount Hope Bridge clearance bill and its hearing before a Joint Commission. He expressed concern that "short sighted" labor unions seem to oppose the bill since they are of the opinion that the LNG plan will bring jobs. Rep. Gallison noted that the Rhode Island economy will be "ruined" with the installation of a LNG terminal in Mount Hope Bay and many more jobs will be lost, especially in marine trades and tourism, than gained in the long-run.

Rep. Gallison also stated that the Gloucester, Massachusetts to New Jersey pipeline is a much better and safer alternative. He also stated that the Rhode Island Bridge and Turnpike Authority's plan to close the bridges during LNG deliveries is a "prudent thing."

Rep. Gallison expressed confidence that there will be "some good Federal legislation" forthcoming this year.

4. Larry Fisher, Executive Director, Herreshoff Marine Museum/America's Cup Hall of Fame - request for support of resolution in opposition to Hess LNG proposal

Barboza/Parella - Voted unanimously to support the resolution as presented.

Prior to the vote taken, Councilman Herreshoff asked Town Solicitor Ursillo if he should recuse at this time with Town Solicitor Ursillo stating that it was not necessary for Councilman Herreshoff to do so considering the nature of the agenda item.

Mr. Fisher informed the Council that it was unusual for the museum to take a political stance on any matter but that its board feels compelled to do so considering the long-tradition of yachting in Rhode Island that may be disrupted by the security concerns for the LNG proposal. Mr. Fisher termed the proposal as "an attack upon our cultural heritage."

5. Town Administrator Mederos re overnight parking in vicinity of Town Common, **continued from January 6, 2010**

Herreshoff/Barboza - Voted unanimously to place this matter on the table.

Prior to the vote taken, Town Administrator Mederos reported that the report contains several recommendations but there were more recommendations forthcoming.

Council Chairman Marshall observed that the matter might be better discussed in a workshop atmosphere.

It was agreed, by consensus that the matter would be held in abeyance pending further information provided by administration.

6. Council Clerk Cirillo re Draft Budget Workshop
Schedule 2010-2011, **continued from January 6, 2010**

a. Council Clerk Cirillo re amended
schedule

Herreshoff/Cordeiro - Voted
unanimously to adopt the schedule
for the 2010-2011 Town Budget as
amended.

BB. SPECIAL /STATUS REPORTS

C. PUBLIC HEARINGS

1. Director of Community Development Williamson
re application for zoning map change of
Christopher Francis for ELJ, Inc., 703
Metacom Avenue, from GB (General Business) to
M (Manufacturing) with conditions for
property located at 95 Tupelo Street (Plat
92A, Lots 35 & 59), **2nd reading (continued
from December 9, 2009)**

LATE ITEM

- a. Elizabeth McDonough Noonan, Esq., for
ELJ, Inc. to Director of Community
Development Williamson - request for
continuance of proposed zone change
application

*It is hereby noted for the record that action on this agenda
item took place prior to commencement of this evening's
regular agenda.*

Barboza/Cordeiro - Voted
unanimously to continue this public
hearing until the regular meeting
of February 10, 2010.

Prior to the vote taken, the Clerk reported receipt of correspondence from the attorney representing the ELJ company respectfully requesting another continuance.

2. Rizwan Ahmed, d/b/a The Hourglass Brasserie, 382 Thames Street - request for a BV Intoxicating Beverage License
 - a. (Rizwan Ahmed) re revised floor plan and application
 - b. Jeff Guertler, Proprietor, Redlefsen's Rotisserie & Grill, 444 Thames Street re objection to granting of license
 - c. Evelyn Jean & John F. Cox, 345 Thames Street re support for granting of license

Barboza/Cordeiro - Voted
unanimously to close the public
hearing.

Barboza/Cordeiro - Voted
unanimously to grant the petitioner
a Class BV Limited Intoxicating
Beverage license with hours as
specified on the materials provided
by the petitioner; (Wednesday-Sunday
5 PM - 10 PM), closed Monday and
Tuesday; and also subject to the
further restrictions as specified
in the ordinance, and conformance
to all laws and ordinances and
payment of all fees, taxes and
levies.

Prior to the votes taken, Council Chairman Marshall opened the public hearing.

The Clerk reported that he contacted Mr. Ahmed regarding the Council's request that he might consider a Limited license versus a full license. The Clerk further reported that Mr. Ahmed agreed to consider a Limited license.

Council Chairman Marshall noted that there was a Limited license available at this time and that there was no full-license available at this time.

Speaking in favor of the granting of the subject license was the petitioner who informed the Council that he received notice that the RI Health department was looking favorably upon his project.

Councilwoman Parella stated that she was pleased to learn that the building was to be rehabilitated since it has been considered blighted for some time. She asked to know when Mr. Ahmed planned to open his establishment with Mr. Ahmed responding that his tentative opening day was May 1, 2010.

Also speaking in favor was Jennifer Cavallaro of 48 Mulberry Road. Ms. Cavallaro operates a restaurant in the vicinity of Mr. Ahmed's planned premises. She informed the Council that she was in support of the petition since she is of the opinion that Bristol needs more shops and restaurants in order to increase foot traffic.

Councilwoman Parella stated that she appreciates Ms. Cavallaro's comments and was "taken aback" by the comments of other nearby establishment owners which were in opposition to the petitioner since he will bring competition.

Councilman Barboza noted that new businesses bring in tax revenue to the Town and also support the Town's plans for economic development.

Peter Calvet, Chairman of the Redevelopment Agency, informed the Council that the plan of Mr. Ahmed is "the exact outcome" anticipated by the Redevelopment Agency when it took action regarding the subject premises. Mr. Calvet agreed with Ms. Cavallaro that the downtown requires a certain amount of "critical mass" in order to be successful and further explained, using New York City as an example, that some areas with many restaurants nearby each other are very successful.

Councilwoman Parella agreed with Mr. Calvet and reminded the Council that the area known as Federal Hill in Providence has many restaurants in close proximity and is successful with persons dining as a destination.

Mr. Calvet added that the particular area nearby the petitioner's proposed establishment "lends itself" to the restaurant business.

Keith Maloney, Chairman of the Economic Development Commission, informed the Council that the "mission" of the Economic Development Commission was to "support existing and

attract new" businesses. He further informed the Council that he was in support of this petition and also the petition for the Beehive Café's petition as noted below.

There was no further remonstrance presented in favor of or in opposition to the petition.

3. Jennifer Cavallaro, d/b/a The Beehive Café, 10 Franklin Street - request for a BV Limited Intoxicating Beverage License

- a. (Jennifer Cavallaro) re floor plan and application
- b. Henry Santos, 484 Thames Street re objection to granting of license
- c. Evelyn Jean & John F. Cox, 345 Thames Street re support for granting of license

LATE ITEM

- d. Jeff Guertler, Proprietor, Redlefsen's Rotisserie & Grill, 444 Thames Street re objection to granting of license

LATE ITEM

- e. Jeff Guertler, Proprietor, Redlefsen's Rotisserie & Grill, 444 Thames Street re supplemental correspondence

Barboza/Parella - Voted unanimously to close the Public Hearing.

Cordeiro/Herreshoff - Voted unanimously to grant this license noting the restrictions as specified in the ordinance and also subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies.

Prior to the vote taken, Council Chairman Marshall opened the public hearing.

Speaking in favor of the petition was Stephan Brigidi of 93 Highland Road who informed the Council that he was both the petitioner's landlord and also an abutting business owner. Mr. Brigidi described Ms. Cavallaro's café as an "exemplary establishment" and that the license would allow her business to grow.

Linda Arruda, representing the Bristol Downtown Merchants Association expressed her opinion in support of the granting of the license.

Jesse James, a business owner with premises at 483 Hope Street, described himself as a "competing business owner fully in favor of the added competition." Mr. James noted that the added business in the downtown area helps to "define" his business.

Donald Bolster of 24 Cherry Lane informed the Council that Mr. and Mrs. Cavallaro are "superior neighbors" and that Ms. Cavallaro's employees at the Beehive are of good quality.

Robert Kittredge who informed the Council that he is a property owner at 667 Metacom Avenue further explaining that he is not yet a resident. He also informed the Council that he was pleased to see new establishments locating in Bristol.

No additional remonstrance was presented in favor or in opposition to the petition.

D. ORDINANCES

1. Ordinance #2010-02, CHAPTER 17, Historic Preservation, Section 14-4.1, Guidelines and rules of procedure, **1st reading**

Barboza/Cordeiro - Voted
unanimously to consider this action
to constitute the First Reading of
Ordinance #2010-02. Advertise in
local newspaper.

2. Ordinance #2010-03, CHAPTER 28, Zoning, Articles I through XI, Divisions 1 through 6, Sections 28-1 through 28-411, **1st reading**

- a. Director of Community Development Williamson and Principal Planner/Zoning Officer Tanner re proposed zoning ordinance amendments (call for workshop)

Herreshoff/Cordeiro - Voted
unanimously to consider this action
to constitute the First Reading of
Ordinance #2010-03. Call for
special meeting/Council workshop
for February 1, 2010.

Prior to the vote taken, Director of Community Development Williamson explained that the changes proposed were comprehensive and that she would be preparing a summary of these. She suggested that there should be a Council workshop in order to review the proposed changes.

Public hearing to be scheduled after the conclusion of the workshop.

(CA) E. BUDGET ADJUSTMENTS

Approval of consent agenda="Motion to approve these adjustments."

1. Tax Assessor Spagnolo re Recommended Abatements & Additions for January, 2010

(CA) F. APPOINTMENTS

Approval of consent agenda="Motion to approve advertising these Appointments."

1. Public Service Appointments
 - a. Assistant Harbor Masters (3)
 1. Charles Andrew Lombardo, 59 Sherry Avenue - interest/reappointment
 2. Aristotle Gatos, 44 Roosevelt Drive - interest/reappointment

LATE ITEM

Councilman Barboza nominated Messrs. Lombardo and Gatos for reappointment.

There were no counter-nominations.

Barboza/Cordeiro - Voted unanimously to close nominations and instruct the Clerk to cast one ballot each in favor of Messrs. Lombardo and Gatos, for the ensuing term.

- b. Council Clerk Cirillo re Newport and Bristol County Convention and Visitors Bureau (legislation attached)

Cordeiro/Herreshoff - Voted
unanimously to advertise for this
public service position.

Prior to the vote taken, the Clerk noted that the
legislation requires that the position must be filled by
someone associated with the hospitality industry.

Linda Arruda, representing the Bristol Downtown Merchants
Association informed the Council that she is aware of the
other representatives on this board; these being the owner
of Sakonnet Vineyards and a director of the Audubon Society.

Stephan Brigidi of 93 Highland Road informed the Council
that he is professionally associated with the hospitality
industry as a wedding photographer and would volunteer to
serve on the Newport and Bristol County Convention and
Visitors Bureau. The Council, by consensus, took this matter
under advisement, considering same as an application on the
part of Mr. Brigidi.

(CA) 2. Public Service Appointments for February

G. LICENSING BOARD - NEW PETITIONS

1. Rizwan Ahmed, d/b/a The Hourglass Brasserie,
 382 Thames Street - request for a BV
 Intoxicating Beverage License (See item C2
 also)

It is hereby noted for the record that action on this item
was taken up as part of agenda item C2.

2. Jennifer Cavallaro, d/b/a The Beehive Café,
 10 Franklin Street - request for a BV Limited
 Intoxicating Beverage License (See item C3
 also)

It is hereby noted for the record that action on this item
was taken up as part of agenda item C3.

3. Paul Mancieri, d/b/a Leo's Ristorante, 365
 Hope Street - request for a Dancing and
 Entertainment License

LATE ITEM a. Recommendation - Town Administrator and
 Police Chief

Herreshoff/Barboza - Voted
unanimously to continue this matter

until the meeting of February 10, 2010 pending a report from Fire Chief Martin.

Prior to the vote taken, Fire Chief Martin objected to the granting of this license since he was concerned that the subject building was not sufficiently fire-alarmed to allow for public entertainment.

Councilman Barboza noted that he was aware that the petitioner wishes to have entertainment consisting of acoustical music and 'mystery night' and that the fire marshal seemed to express no objection to the license.

Fire Chief Martin stated that he was unaware of the request for a license and would like the opportunity to discuss same with the petitioner and also the owner of the building.

Councilwoman Parella stated that she would have greater concern were the petitioner to request permission to have a dance club.

Town Solicitor Ursillo reminded the Council that it has only one class of license for 'dancing and entertainment' but that it is possible for the Council to restrict and set limits upon the license at the time of its granting of same.

4. Jesse James, Marcassin, LLC, d/b/a Le Central, 483 Hope Street - request for a BV Intoxicating Beverage License

LATE ITEM a. George S. Burman & Yvette Yatchmink, 66 Highland Road re support for granting of license

LATE ITEM b. Larry & Elizabeth Lavers, 62 Burton Street re support for granting of license

LATE ITEM c. Dorothy Bennett Lampal, Providence re support of granting of license

LATE ITEM d. Muriel M. Brown, 221 Hope Street, et al re support of granting of license

Parella/Barboza - Voted to instruct the Town Solicitor to prepare ordinance language in order to allow an increase in the number of Class B Intoxicating Beverage

Licenses from 27 to 28 and also to schedule a Public Hearing to consider the above petition for March 3, 2010 beginning at 7:00 P.M. Voting in favor of this motion were Council Members Marshall, Parella, Barboza and Herreshoff. Voting opposed was Councilman Cordeiro.

Barboza/Parella - Voted unanimously to instruct the Town Solicitor to prepare ordinance language in order to reduce the number of Class B Limited Intoxicating Beverage Licenses from 7 to 6.

Prior to the votes taken, Police Chief Canario informed the Council that he was concerned that additional licenses may bring enforcement issues since the department is already heavily engaged with the exiting license roster.

It was suggested that the Council may wish to eliminate a Limited License if it were to create a new full Class B License.

Police Chief Canario noted that the Le Central establishment has been reputable but he was concerned that there appeared to be no cap in the number of licenses overall. He also explained that although some establishments appear to be incident-free, there are persons who leave all types of restaurants intoxicated.

Council Chairman Marshall suggested that the Town may wish to "audit" communities to determine the number of Intoxicating Beverage Licenses as compared to population of same.

Police Chief Canario stated that he was aware of some statistics and that Bristol appears in the top-ten considering number of square miles and population.

Councilwoman Parella stated that the figures in this regard may be misleading due to the comparable amount of tourism in Bristol versus other like-sized communities.

Councilman Cordeiro asked if the Council may grant the licenses with certain controls with Town Solicitor Ursillo responding that it could but once granted the license would become a 'property right' of the business owner and that the

Council would be compelled to transfer the license at the request of the owner operating under like circumstances.

Town Solicitor Ursillo also explained that the only way the Council can remove a license from a licensee is for cause and after a show-cause hearing.

Council members reminded Mr. James that it would be unlawful to serve alcohol on the public sidewalk with Mr. James stating that he may at some time wish to expand his business to include an outdoor patio on private property.

Town Solicitor Ursillo explained that the license, if granted, would be for a certain described premises and any change to the size or location of the service area would require Council approval after an advertised public hearing.

Councilman Cordeiro stated that he "has a problem" with the granting of a new license.

H. LICENSING BOARD - RENEWALS

(CA) I. UTILITY PETITIONS

Approval of consent agenda="Motion to approve these petitions."

1. Road Cut Permits - DPW

J. PETITIONS - OTHER

1. David Silvia, Staff Member, American Legion Boys State Program - request for support of program

Barboza/Cordeiro - Voted
unanimously to appropriate \$500
from the Council Contingency
Account for this purpose and to
invite Mr. Silvia to apply for a
Human Resources grant during the
next budget cycle.

Prior to the vote taken, the Clerk informed the Council that it appropriated \$500 to this organization last year and \$100 the previous year.

2. Stephan Brigidi for Greg Etter, 30 Bradford Street - request to hang a projecting sign over Town sidewalk

Herreshoff/Barboza - Voted
unanimously to grant this request
subject to the petitioner's
obtaining of the necessary
approvals for Zoning, Historic
District Commission, etc.

Prior to the vote taken, Council members expressed interest in expediting this process with Director of Community Development Williamson reporting that the new Zoning Code revisions would delegate this authority to the Town Administrator.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Julie A. Coelho, CMC, Warren Town Clerk re (Town of Warren) ordinance amendment concerning Excavations; standards to be employed when restoring roads, streets, lanes and highways

Cordeiro/Herreshoff - Voted
unanimously to continue this matter
until the meeting of February 10,
2010.

Prior to the vote taken, Council Chairman Marshall suggested that this matter might be referred to Public Works Director Serbst.

Public Works Director Serbst stated that the information provided by Warren is much like those issues discussed at past meetings. He noted that the requirements as outlined in the Warren ordinance could add substantially to the cost of road repairs. He also noted that his office has "upgraded" the forms used for this purpose to include the current best practice of refilling the excavated area in six to eight inch 'lifts' and that this is an industry standard.

2. Draft Resolution/Certification of Authority to Acquire Property re Quinta-Gamelin U.S. Army Reserve Center

Cordeiro/Barboza - Voted
unanimously to adopt this
resolution as prepared and
presented.

3. Sandra Matrone Mack, Bond Counsel re
Borrowing Resolutions
 - a. Borrowing Resolutions re General
Obligation Bond Anticipation Notes and
General Obligation Bonds
 - b. Borrowing Resolutions re General
Obligation Refunding Bonds

Barboza/Herreshoff - Voted
unanimously to adopt these
resolutions as prepared and
presented by the Bond Counsel.

Prior to the vote taken, Town Administrator Mederos reported that this action was necessary and recommended that the Council adopt these resolutions. Council Chairman Marshall agreed with Town Administrator Mederos and further explained that the action will result in an overall savings of approximately \$100,000.

4. Council Chairman Marshall re future energy
producing facility at Minturn Farm

Herreshoff/Barboza - Voted
unanimously to support the concept
as proposed and to continue this
matter until the meeting of
February 10, 2010 in order to
review a business plan regarding
same.

Prior to the vote taken, Council Chairman Marshall noted that there have been several proposals for renewable energy at the Minturn Farm (transfer station/composting facility) and that a recent article appearing in *Providence Business News* reminded him of this.

Council Chairman Marshall noted that the Town approved of wind energy in a non-binding referendum and that Kelly Space provided a methane energy proposal to the Town in the past.

Council Chairman Marshall explained that the news article described that State renewable energy funding in the amount of \$8.4 million. He also noted that municipalities may obtain individual grants up to \$750,000, with the next-round due at the end of January, 2010.

Council members noted the success of the program in Portsmouth, Rhode Island.

Council Chairman Marshall stated that the program in Portsmouth and a similar one in Bristol would help stabilize municipal utility costs.

Councilman Herreshoff suggested that there should be a business plan with the cost of financing and annual operations of any renewable energy program undertaken by the Town.

Councilwoman Parella noted that the Town should likely engage the services of an expert to help with these programs. She also noted that many citizens appear to be in favor of going forward with a plan in Bristol.

Council Chairman Marshall agreed to work with the various department heads and Town Administrator Mederos in order to develop a plan that might be brought to the State for further consideration.

5. Council Chairman Marshall re Saturday morning meeting with Legislators

Cordeiro/Herreshoff - Voted unanimously to instruct the Clerk to arrange a meeting at a convenient time to include members of the Town Councils of Barrington and Warren and also local area legislators.

Prior to the vote taken, Council Chairman Marshall, with Council Members in agreement, suggested that the Council might again host a meeting with the members of the General Assembly. Council Chairman Marshall also suggested that the members of the Town Councils of Barrington and Warren might be also invited to attend.

Council members suggested that the meeting will be held on a Saturday morning and perhaps on February 27, 2010 in the Council Chambers.

L. BILLS & EXPENDITURES

1. RFP #690 - Marketing Plan; Wastewater Residual Compost

Barboza/Herreshoff - Voted
unanimously to refer this matter to
the Town Administrator and Water
Pollution Control Superintendent to
act in the best interest of the
Town.

Prior to the vote taken, the Clerk read the proposals
received as follows:

Agresource, Inc.	Amesbury, MA	\$4.15/cu. yd. or 60% FOB revenue
New England Organics	Portland, ME	\$5.10/cu. yd. Or 61% net revenue

2. RFP #691 - 2010 Statistical Update
Reappraisal and Complete Revaluation

Herreshoff/Cordeiro - Voted
unanimously to refer this matter to
the special meeting/workshop to be
held on January 27, 2010 beginning
at 7:00 o'clock PM and also to Tax
Assessor Spagnolo and Town
Administrator Mederos to review
same in advance of the special
meeting.

Prior to the vote taken, Councilman Herreshoff suggested
that the proposals should be carefully examined so as to
ascertain if those submitting the proposals employ certified
personnel.

(CA) M. ROUTINE REPORTS

(CA) N. FINANCIAL REPORTS

**Approval of consent agenda="Motion to receive and place this
item on file."**

1. (Town Treasurer Day) re Revenue and
Expenditure Statement, January 14, 2010
2. Town Treasurer Day re Monthly/Quarterly
Report Fiscal Year Ending December 31, 2009

P. PROCLAMATIONS & CITATIONS

(CA) R. DISTRIBUTIONS/COMMUNICATIONS (to be received and filed by Council)

Approval of consent agenda="Motion to receive and place these items on file."

1. Council Clerk Cirillo to Patrick J. Barosh, Conservation Commission re thank you for service
2. Council Clerk Cirillo to Ronald E. Schroeder, Conservation Commission re thank you for service
3. Council Clerk Cirillo to Bruce D. Randall, Conservation Commission re thank you for service
4. Coastal Resources Management Council - Semi-Monthly Meeting, January 13, 2010
5. Class F1 Intoxicating Beverage License granted to St. Elizabeth Church/Holy Trinity, 577 Metacom Avenue for a Fundraising Event on February 6, 2010
6. Warrant - Thomas A. Pasqual, Jr., Noise Study Committee
7. Warrants - Special Constables/Fire Police 2010
8. Warrant - Joseph Cabral, Harbor Master
9. Warrant - David Sartrys, Assistant Harbor Master
10. Warrant - Matthew J. Calouro, Assistant Harbor Master
11. Warrant - Scott Marino, Auxiliary Harbor Master
12. Warrant - George Gatos, Auxiliary Harbor Master
13. Warrant - Alan Leach, Auxiliary Harbor Master
14. Warrant - Arthur M. Franco, Auxiliary Harbor Master

15. Warrant - Nathan M. Gallison, Auxiliary Harbor Master
16. Warrant - Gerald P. Romano, Bristol Housing Authority
17. Warrant - Marie P. Tucker, Board of Tenants' Affairs
18. Warrant - Carole A. Hughes, Board of Tenants' Affairs
19. Warrant - Charles Cavalconte, North and East Burial Grounds Commission
20. Warrant - Jeffrey W. Steadman, North and East Burial Grounds Commission
21. Warrant - Samuel C. Kinder, Tree Warden
22. Warrant - William B. Sweeney, Waypoyset Trust
23. Warrant - Thomas G. Breslin, CRMC Alternate Subcommittee
24. Council Clerk Cirillo to Division of Forest Environment re appointment of Samuel C. Kinder as Tree Warden
25. Council Clerk Cirillo to Director of Public Works Serbst re handicap parking space, 41 Church Street
26. Human Services and Welfare Director Carusi to Town Administrator Mederos re thank you for support
27. F1 Intoxicating Beverage License granted to St. Elizabeth Church/Holy Ghost, 577 Wood Street for a Fundraising Event on February 27, 2010
28. Town Administrator Mederos re Certificate of Approval from RI Department of Administration for Comprehensive Plan 2009

Barboza/Herreshoff - Voted
unanimously to receive and place
this matter on file.

Prior to the vote taken, Councilman Barboza noted the State's approval of the Town's Comprehensive Plan for the record, and congratulated the participants on behalf of the Council.

29. Melinda Thies, Superintendent, Bristol Warren Regional School District re invitation to attend and discuss proposed amendments to the Enabling Legislation at the BWRSD Future Enrollment and Facilities Task Force Meeting scheduled for January 19, 2010
 - a. Karen A. Lynch, Chair, Future Enrollment and Facilities Task Force re rescheduling of presentation planned for the January 19, 2010 meeting to a future date
30. Braver, PC - Bristol Warren Regional School District Financial Statements year ending June 30, 2009
31. Council Clerk Cirillo to Francine R. Gruhn, President, Edgewater Condominiums, 221 Hope Street re petition requesting No Parking at 221 Hope Street (Edgewater Condominiums)
 - a. Robert Rocchio, P.E. Secretary, State Traffic Commission to Town Clerk Cirillo re No Parking request at 221 Hope Street (Edgewater Condominiums)
32. Town Administrator Mederos to John A. Oliver, D'Ambra Construction Co., Inc. re award of Bid #689, Bristol Town Beach Water Quality Improvements
33. Town Administrator Mederos and Council Chairman Marshall to President Barack Obama re appointment to the FERC board and request for support in opposition to the Hess LNG proposal in Mount Hope Bay
34. Wendy J.W. Marshall, Middletown Town Clerk re resolution opposing a Liquefied Natural Gas Facility in Mount Hope Bay
35. Council Clerk Cirillo to Andrew Tyska, President, Bristol Marine re thank you for

participation in the study of the route for transportation of marine products

36. Council Clerk Cirillo to John A. Pagliarini, Esq., LaPlante, Sowa, Goldman Attorneys at Law re thank you for donation of Bristol Commemorative Plate #1
37. Council Clerk Cirillo to Keith Stokes, Rhode Island Economic Development Commission re congratulations on appointment as Director of the Rhode Island Economic Development Commission
38. Resolution re opposition to the LNG proposal in Mount Hope Bay (signed copy)
39. Council Clerk Cirillo to Lorraine A. Derois, CMC, Barrington Council Clerk, et al - request for support re opposition to the LNG proposal in Mount Hope Bay
40. Town Administrator Mederos to Anne Ricci, Chair, Business Department, Mt. Hope High School re congratulations on final payment of the promissory note between the Distributive Education Club of America (DECA) Bristol High School Store and the Town of Bristol
41. Council Clerk Cirillo to Hon. U.S. Senator Jack Reed, et al re appointment to the FERC board and request for support in opposition to the Weavers Cove/Hess LNG terminal proposal in Mount Hope Bay
42. Council Clerk Cirillo to Hon. Senator David E. Bates, et al re Unfunded State Mandates

(CA) RR. DISTRIBUTIONS/NOTICE OF MEETINGS
(office copy only)

Approval of consent agenda="Motion to receive and place these items on file."

1. Harbor Commission - January 4, 2010
2. Board of Fire Engineers - January 4, 2010

3. Bristol Warren Regional School Committee Policy/Community Affairs Subcommittee - January 4, 2010
4. Bristol Warren Regional School Committee - Special Meeting, January 4, 2010
5. Bristol Warren Regional School District - Schedule of Meetings, Week of January 4, 2010
6. Bristol County Water Authority/Board of Directors - January 13, 2010
7. Bristol County Water Authority/Public Relations/Personnel Committee - January 6, 2010
8. Bristol County Water Authority/Engineering Committee - January 6, 2010
9. Bristol County Water Authority/Audit Finance Committee - January 6, 2010
10. Bristol Warren Regional School Committee - Workshop, January 11, 2010
11. Bristol Warren Regional School Committee Budget/Facilities Subcommittee - January 12, 2010
12. Bristol Warren Regional School Committee Personnel/Contract Subcommittee - January 11, 2010
13. Bristol Warren Regional School District - Schedule of Meetings, Week of January 11, 2010
14. Republican Town Committee - 2010 Meeting Schedule
15. Zoning Board of Review - February 1, 2010
16. Fire Department (& Rescue/Training Headquarters) Capital Project Committee - January 14, 2010

17. Bristol County Water Authority -
February 2010 Meetings
18. Bristol Warren Regional School District
- Schedule of Meetings, Week of January
18, 2010
19. (Bristol Warren Regional School
Committee) Future Enrollment &
Facilities Task Force - January 19, 2010

S. TOWN SOLICITOR

Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. MARSHALL

a. Thanks to Mike Davis and Steve Roth - Council Chairman Marshall thanked Messrs. Davis and Roth for taping this evening's meetings for the benefit of the public.

b. Administration Support - Council Chairman Marshall noted that he and other Council members have an excellent working relationship with Town Administrator Mederos and the various department leaders; all with the goal of improving the Town.

2. CORDEIRO

a. Administration Support - Councilman Cordeiro echoed the sentiments expressed by Council Chairman Marshall.

3. PARELLA

a. Water Rates - Councilwoman Parella noted the upcoming Bristol County Water Authority rate increase hearing to be held on February 3, 2010. Councilwoman Parella noted that the proposed rate increase is 12% which the Councilwoman called "ridiculous." She further suggested that all rate payers should attend the hearing and provide their opinion to the Water Authority.

4. BARBOZA

a. Influenza Clinic - Councilman Barboza reminded those present about the upcoming H1N1

Influenza vaccination clinic to be held on January 26, 2010 at the John Post Reynolds School.

b. Council Resolution in Support of H7014 - Councilman Barboza asked that the Clerk might prepare a Council resolution in support of General Assembly House Bill H7014 (Bridge Clearances) and that said resolution might solicit the support from the various cities and towns.

5. HERRESHOFF

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

1. Fire/Rescue Department Accolades - Town Administrator Mederos read aloud a letter from Mary Shannahan of 352 Spinnaker Lane, thanking the department for its services.

(A copy of this letter will appear under "Distributions" on the Council Docket of February 10, 2010)

CITIZENS PUBLIC FORUM

There being no further business, upon a motion by Councilman Herreshoff, seconded by Councilman Barboza and voted unanimously, the Chairman declared this meeting to be adjourned at 10:44 o'clock PM.

Louis P. Cirillo, CMC
Council Clerk